

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION**

**OPIATE LITIGATION**

*This document relates to:*

**Track Three Cases**

**MDL 2804**

**Case No. 17-md-2804**

**Hon. Dan Aaron Polster**

**PLAINTIFFS' MOTION FOR LEAVE TO FILE CERTAIN RESPONSES TO  
DEFENDANTS' MOTIONS *IN LIMINE* AND RELATED EXHIBITS UNDER SEAL**

Pursuant to Local Rule 5.2, Plaintiffs seek leave to file: (i) Plaintiffs' Opposition to Defendants' Motion *in Limine* to Preclude the Use of Misleading Handwritten Notes and Prevent Them from Being Admitted as Evidence [Dkt. #3836] and Memorandum in Support, along with corresponding Exhibits 1-6; (ii) Plaintiffs' Opposition to Pharmacy Defendants' Motion *in Limine* to Exclude Newspaper Articles [Dkt. #3832] and Memorandum in Support, along with corresponding Exhibits 1-4; and (iii) Plaintiffs' Opposition to Defendants' Motion *in Limine* to Preclude Evidence or Argument About Alleged Misconduct After 2010 [Dkt. #3843] and Memorandum in Support (collectively, the "Responses").

Local Rule 5.2 states: "No document will be accepted for filing under seal unless a statute, court rule, or prior court order authorizes the filing of sealed documents." Loc. R. 5.2. The Responses contain information that has been subject to Protective and Confidentiality Orders, including Case Management Order No. 2 and the amendment thereto (ECF Nos. 441 & 1357). This information is subject to this Court's Order Amending Procedures Regarding Redactions and Filing of Briefs Under Seal (ECF No. 1813).

Plaintiffs do not believe the information warrants remaining under seal but seek to comply with all applicable Orders concerning information that has been marked or designated as confidential.

Plaintiffs respectfully request to proceed in this manner so there are no inadvertent disclosures of information subject to Protective and Confidentiality Orders and to comply with this Court's orders.

WHEREFORE, Plaintiffs respectfully request the Honorable Court to grant Plaintiffs' Motion for Leave to File Certain Responses to Defendants' Motions *in Limine* and Related Exhibits Under Seal and to direct Defendants to indicate within three (3) business days whether they will assert any redactions.

Dated: September 1, 2021

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 1, 2021, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

/s/Peter H. Weinberger

Peter H. Weinberger